PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Venkataraman BRINGI et al.	)	Group Art Unit: 1651
	)	
Application Number: 09/083,198	)	Examiner: I. MARX
	)	
Filed: May 22, 1998	)	
	)	

For: ENHANCED PRODUCTION OF TAXOL AND TAXANES BY CELL CULTURES OF *TAXUS* SPECIES

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DQ
10/9/01

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Venkataraman Bringi declare that

1. I received a B.S. degree in Chemical Engineering with honors from Banaras Hindu University, India, in 1983; an M.S. degree in Chemical Engineering from Colorado State University, Fort Collins, Colorado, USA, in 1985; and a Ph.D. degree in Chemical Engineering with minor in Plant Cell Biology from Cornell University, Ithaca, New York, USA in 1991.

2. From April 1990 to the present, I have been continuously employed by Phyton, Inc., where I currently hold the position of Executive Vice President. During my tenure at Phyton, I have been responsible for and have been actively involved in directing, planning and implementing research and development efforts towards a commercial cell culture process for production of paclitaxel.

3. I am a joint-inventor of the above-identified patent application, and I am familiar with the text of the specification of this patent application.

4. The specification of the application lists, on pages 23-25, a series of compounds identified as plant growth regulators. In particular, line 29 of page 23 includes as one of the

plant growth regulators a compound designated "3-Iodophenoxyacetic acid." This is clearly a typographical error; the correct designation is "4-Iodophenoxyacetic acid."

5. Auxin (indoleacetic acid) is a well known plant growth regulator, and numerous analogs of auxin, or auxin-related growth regulators, are also known to plant scientists. One of the known auxin-related growth regulators is 4-Iodophenoxyacetic acid. On the other hand, 3-Indophenoxyacetic acid is not known to be a plant growth regulator. Therefore, anyone skilled in plant science would recognize that listing 3-Iodophenoxyacetic acid on page 23, line 29, was an error, and the compound intended was 4-Iodophenoxyacetic acid.

6. In confirmation of the correct identity of the indicated compound, I have reviewed computer searches for scientific publications, which mention either "3-Iodophenoxyacetic acid" or "4-Iodophenoxyacetic acid." Nerac, Inc. (One Technology Drive, Tolland, CT 06084), a professional Search Company, performed a comprehensive search of fourteen databases encompassing the fields of biology, chemistry, business and patents. This search located thirty-seven references discussing 4-Iodophenoxyacetic acid, of which four identified 4-Iodophenoxyacetic acid as a plant growth regulator. The others dealt with aspects of the chemistry of the compound. Only two publications mentioning 3-Iodophenoxyacetic acid were located, none of which identified it as a plant growth regulator. One article discussed a study in a mammalian system and the other dealt with aspects of the chemistry of the compound.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed _____

Dr. Venkataraman Bringi

Executed on October 2, 2001